

[USE ONLY WHEN TRIAL COUNSEL WAS RETAINED]

IN THE CIRCUIT COURT OF _____, COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. _____

DEFENDANT

ORDER SUBSTITUTING COUNSEL

_____ **THIS MATTER** came before the Court on the motion to withdraw and substitute counsel filed by counsel for the Defendant. After due consideration, the Court finds as follows:

1. By order of this Court dated [date], the Defendant was declared to be *in forma pauperis* or the Court now finds that the defendant is *in forma pauperis*.

2. The Defendant remains indigent, and therefore is entitled to appeal his conviction *in forma pauperis* pursuant to M.R.A.P. 6(a)(2).

3. Trial counsel has requested leave of the Court to withdraw as counsel of record and substitute counsel be appointed to represent the Defendant on appeal.

4. Pursuant to M.R.A.P. 6(b)(2), the Court finds that the motion is well-taken and should be granted. The Mississippi Office of Indigent Appeals is hereby appointed to represent the Defendant in the appeal of this matter.

6. Trial Counsel is reminded of M.R.A.P. 6(b)(1)'s "continuing duty to cooperate with appellate counsel after relieved . . .", and therefore shall review the record for accuracy after it is filed with the Circuit Clerk, but before it is forwarded to the Supreme Court Clerk's Office.

7. The Circuit Clerk is instructed to serve a copy of this order on the Mississippi Office of

Indigent Appeals, along with copies of the Judgment of Conviction and Sentence, Motion for New Trial and/or JNOV, Order denying New Trial and/or JNOV, and the Order finding Appellant Indigent, along with the name and address of the court reporter.

IT IS THEREFORE ORDERED AND ADJUDGED that [attorney name], be, and hereby is, relieved as counsel of record in this matter, and that the Mississippi Office of Indigent Appeals be, and hereby is, substituted as counsel of record for the Defendant.

IT IS FURTHER ORDERED AND ADJUDGED that the Circuit Clerk serve a copy of this order and other allied documents to the Mississippi Office of Indigent Appeals at their mailing address of 301 N. Lamar Street, Suite 210, Jackson, Mississippi 39201.

SO ORDERED AND ADJUDGED, this the __ day of _____, 2008.

CIRCUIT COURT JUDGE